

15A NCAC 02B .0231 WETLAND STANDARDS

(a) Wetlands shall be assigned to one of the following classifications:

- (1) Class WL: waters that meet the definition of wetlands as defined in Rule .0202 of this Section except those designated as SWL; or
- (2) Class SWL: waters that meet the definition of coastal wetlands as defined by 15A NCAC 07H .0205, which are landward of the mean high water line, and wetlands contiguous to estuarine waters as defined by 15A NCAC 07H .0206.

In addition, the EMC may classify wetlands as unique wetlands (Class UWL) that are of exceptional State or national ecological significance which require special protection to maintain existing uses. Class UWL wetlands may include wetlands that have been documented as habitat essential for the conservation of State or federally listed threatened or endangered species.

(b) The water quality standards for all wetlands are designed to protect, preserve, restore, and enhance the quality and uses of wetlands and other waters of the State influenced by wetlands. The following are wetland uses:

- (1) Storm and flood water storage and retention;
- (2) Moderation of water level fluctuations;
- (3) Hydrologic functions, including groundwater discharge that contributes to maintain dry weather streamflow and, at other locations or times, groundwater recharge that replenishes the groundwater system;
- (4) Filtration or storage of sediments, nutrients, toxic substances, or other pollutants that would otherwise have an adverse impact, as defined in 15A NCAC 02H .1002, on the quality of other waters of the State;
- (5) Shoreline protection against erosion through the dissipation of wave energy and water velocity and stabilization of sediments;
- (6) Habitat for the propagation of resident wetland-dependent aquatic organisms, including fish, crustaceans, mollusks, insects, annelids, planktonic organisms, and the plants and animals upon which these aquatic organisms feed and depend upon for their needs in all life stages; and
- (7) Habitat for the propagation of resident wetland-dependent wildlife species, including mammals, birds, reptiles, and amphibians for breeding, nesting, cover, travel corridors, and food.

(c) The following standards shall be used to assure the maintenance or enhancement of the existing uses of wetlands identified in Paragraph (b) of this Rule:

- (1) Liquids, fill or other solids, or dissolved gases shall not be present in amounts that may cause adverse impacts on existing wetland uses;
- (2) Floating or submerged debris, oil, deleterious substances, or other material shall not be present in amounts that may cause adverse impacts on existing wetland uses;
- (3) Materials producing color or odor shall not be present in amounts that may cause adverse impacts on existing wetland uses;
- (4) Materials that adversely affect the palatability of fish or aesthetic quality of the wetland shall not be present in amounts that may cause adverse impacts on existing wetland uses;
- (5) Concentrations or combinations of substances that are toxic or harmful to human, animal, or plant life shall not be present in amounts which individually or cumulatively may cause adverse impacts on existing wetland uses;
- (6) Hydrological conditions necessary to support the biological and physical characteristics naturally present in wetlands shall be protected to prevent detrimental impacts on:
 - (A) Water currents, erosion or sedimentation patterns;
 - (B) Natural water temperature variations;
 - (C) The chemical, nutrient, and dissolved oxygen regime of the wetland;
 - (D) The movement of aquatic fauna;
 - (E) The pH of the wetland; and
 - (F) Water levels or elevations.
- (7) The populations of wetland flora and fauna shall be maintained to protect biological integrity as defined in Rule .0202 of this Section.

*History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
RRC Objection Eff. July 18, 1996 due to lack of statutory authority and ambiguity;
Eff. October 1, 1996;
Readopted Eff. November 1, 2019.*

- (12) "Biological integrity" means the ability of an aquatic ecosystem to support and maintain a balanced and indigenous community of organisms having species composition, diversity, population densities, and functional organization similar to that of reference conditions.
- (13) "Buffer" means a natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.
- (14) "Chronic toxicity to aquatic life" means any harmful effect sustained by either resident aquatic populations or indicator species used as test organisms in a controlled toxicity test due to long-term exposure (relative to the life cycle of the organism) or exposure during a substantial portion of the duration of a sensitive period of the life cycle to a specific chemical substance or mixture of chemicals (as in an effluent). In absence of extended periods of exposure, early life stage or reproductive toxicity tests may be used to define chronic impacts.
- (15) "Chronic value for aquatic life" means the geometric mean of two concentrations identified in a controlled toxicity test as the No Observable Effect Concentration (NOEC) and the Lowest Observable Effect Concentration (LOEC).
- (16) "Commercial applicator" means any person, firm, corporation, wholesaler, retailer, distributor, or any other person who for hire or compensation applies fertilizer to the land of a consumer or client.
- (17) "Concentration" means the mass of a substance per volume of water and, for the purposes of this Section, shall be expressed as milligrams per liter (mg/l), micrograms per liter (ug/l), or nanograms per liter (ng/l).
- (18) "Contiguous" means those wetlands landward of the mean high water line or normal water level and within 575 feet of classified surface waters that appear as solid blue lines on the most recently published versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps, which are available at no cost at <http://www.usgs.gov/pubprod/>.
- (19) "Critical area" means the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than risk associated with pollution from the remaining portions of the watershed. The boundary of a critical area is defined as:
 - (a) extending either 1/2 mile in a straight line fashion upstream from and draining to the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed, whichever is nearest the normal pool elevation of the reservoir;
 - (b) extending either 1/2 mile in a straight line fashion upstream from and draining to the intake (or other appropriate downstream location associated with the water supply) located directly in the stream or river (run-of-the-river) or to the ridge line of the watershed, whichever is nearest the intake; or
 - (c) extending a different distance from the reservoir or intake as adopted by the Commission during the reclassification process pursuant to Rule .0104 of this Subchapter.Since WS-I watersheds are essentially undeveloped, establishment of a critical area is not required.
- (20) "Cropland" means agricultural land that is not covered by a certified animal waste management plan and is used for growing corn, grains, oilseed crops, cotton, forages, tobacco, beans, or other vegetables or fruits.
- (21) "Designated Nonpoint Source Agency" means an agency specified by the Governor in the North Carolina Nonpoint Source Management Program, as approved by the Environmental Protection Agency pursuant to the 1987 amendments to the federal Clean Water Act 33 U.S.C. 1329 that established Section 319 Nonpoint source management programs.
- (22) "Director" means the Director of the Division.
- (23) "Discharge" means the addition of any man-induced waste effluent either directly or indirectly to State surface waters.
- (24) "Division" means the Division of Water Resources or its successors.
- (25) "Domestic wastewater discharge" means the discharge of sewage, non-process industrial wastewater, other domestic wastewater, or any combination of these items. Domestic wastewater includes, but is not limited to, liquid waste generated by domestic water using fixtures and appliances from any residence, place of business, or place of public assembly, even if it contains no sewage. Examples of domestic wastewater include once-through non-contact cooling water, seafood packing facility discharges, and wastewater from restaurants.